

section 4, line 4, by striking out the words "one year" and insert "three years" in lieu thereof.

On motion of Senator Morris,
The amendment was tabled.

Senator Simkins moved to amend section 1 by inserting after the word "act," in line 8, "place in good repair the college buildings and grounds and."

Senator Pope moved the previous question on the bill and the amendment.

Seconded, and

The main question was ordered.

The amendment was adopted.

The bill was ordered engrossed by the following vote:

YEAS—21.

Abercrombie,	• Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Pope,
Claiborne,	Simkins,
Frank,	Townsend,
Glasscock,	Tyler,
Harrison,	Upshaw,
Ingram,	Woodward.
Jarvis,	

NAYS—8.

Allen,	Morris,
Cranford,	Seale,
Field,	Sims,
Johnson,	Stephens.

The President referred House bill No. 53 to Judiciary Committee No. 1.

By leave,

Senator Pope sent up the following committee reports;

COMMITTEE ROOM,
Austin, January 21, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 134, entitled "An act for the relief of railway companies organized under the laws of this State, that have failed, or may fail, to construct, equip and put in good running order the required number of miles of their proposed roads within the time fixed by law, and to prevent a forfeiture of their corporate existence, rights and powers on account of such failure,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendments, to-wit:

In section 1, after the word "afore-said," the last word in said section, add the following:

"Provided, that this act shall not apply to railroad corporations that may hereafter be chartered under the laws of this State."

All of which is respectfully submitted.

POPE,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 22, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Internal Improvements, to whom was referred

Senate bill No. 136, entitled "An act for the relief of railway companies,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it be considered in connection with Senate bill No. 134, this day reported favorably, on the same subject.

All of which is respectfully submitted.

POPE,
Chairman.

Read first time.

On motion of Senator Armistead,
The Senate refused to concur in the House amendment to Senate bill No. 16, entitled

"An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the State government from March 1, A. D. 1887, to February 28, A. D. 1889, being for payment of claims registered in the Comptroller's office, in accordance with law, and for outstanding claims not registered, and other deficiencies."

On motion of Senator Claiborne.

The Senate adjourned till 10 o'clock to-morrow morning.

FIFTEENTH DAY.

SENATE CHAMBER, }
AUSTIN, TEXAS, Jan. 24, 1889. }

Senate met pursuant to adjournment.

Lieutenant-Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Armistead,
The reading of the Journal was dispensed with.

Senator Allen arose to a question of privilege and read the following extract from the Fort Worth Gazette of the 23d inst., viz.:

The Senate, to-day, had under discussion a measure introduced by Senator Allen, the able financier and economist of Denton county, proposing to raise a commission to examine into the affairs of the different State institutions, and report to each session of the Legislature. The members of the Senate find great pleasure in mashing the life out of any measure proposed by Senator Allen, and they hopped on to this like a hungry gobbler on a fat grasshopper. They kicked the bill all full of holes, and proceeded to the next order of business, leaving its author in a dazed condition.

On motion of Senator Johnson, Senator Allen was granted the privilege of preparing his own statement of the matter for publication in the Senate Journal,

And Senator Allen furnished his statement as follows:

"This is an attempt to injure myself in public estimation, and is a hard reflection upon the honor and integrity of the Senate. The eagerness of the Gazette to injure me personally, blinded it as to the wound and reflection on the Senate. The article is not the first thrust at my standing as Senator. What has provoked the prejudices of this paper against me, I cannot understand. I denounce the article as false, mean and malicious."

REPORTS OF STANDING COMMITTEES.

By Senator Frank:

COMMITTEE ROOM,
AUSTIN, January 24, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Penitentiaries, to whom was referred

Senate bill No. 37, entitled "An act to provide for and regulate the conveyance of convicts from the counties where sentenced, or where confined after sentence, to the penitentiaries and to the house of correction and reformatory,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

This bill places the conveying and transportation of convicts from the counties where convicted and sentenced to the penitentiaries and reformatory in the hands of the Super-

intendent of Penitentiaries and to be conveyed by the State, instead of by contractors as heretofore.

All of which is respectfully submitted.

FRANK,
Chairman.

Bill read first time.

COMMITTEE ROOM,
AUSTIN, January 24, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Penitentiaries, to whom was referred

Senate bill No. 51, entitled "An act to provide for the more efficient government and maintenance of the house of correction and reformatory at Gatesville,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass, with the following amendments:

Amend the caption by striking out the words "and to make an appropriation therefor."

Amend section 2 by inserting after the word "Governor" the words "with the advice and consent of the Senate."

Also amend by striking out the first proviso of section 2; and further amend by striking out of section 2 the words "five hundred dollars per annum, payable quarterly," and inserting in lieu thereof the words "five dollars per day and their actual expenses while engaged in the performance of their duties."

Amend section 9 by striking out the words "as far as practicable."

This bill substantially re-enacts the law of 1887 (approved March 29, 1887) creating the house of correction and reformatory, more fully providing for the government and control of this institution, the appointment of its officers and employes and regulating their pay.

All of which is respectfully submitted.

FRANK,
Chairman.

Bill read first time.

By Senator Atlee:

COMMITTEE ROOM,
AUSTIN, January 24, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Privileges and Elections, to whom was referred

Senate bill No. 95, entitled "An act to amend article 1706 of the Revised

Statutes of the State of Texas, providing for opening and estimating election returns."

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

ATLEE,
Acting Chairman.

Bill read first time.

By Senator Cranford:

COMMITTEE ROOM,
AUSTIN, January 24, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 27, being "An act to establish the Peabody Normal College of Texas, to provide for its location and make an appropriation for the support of the same for the two years ending in June, 1890, and 1891," and find the same correctly engrossed.

CRANFORD,
Chairman.

BILLS AND RESOLUTIONS.

By Senator Frank:

A bill to be entitled "An act to promote the development of the mining resources of Texas."

[This bill provides that all public school, university, asylum and public lands containing valuable mineral deposits shall be reserved from sale or other disposition, except as herein provided; that the Commissioner of the General Land Office shall have a map made showing location, classification, etc.]

Referred to Committee on Mining, Geology, etc.

By Senator Armistead:

A bill to be entitled "An act to amend sections 5 and 6, chapter 105, of an act to create a bureau of agriculture for the State of Texas and attach it to the Department of Insurance, Statistics and History, approved April 1, 1887."

[This bill provides for collecting agricultural statistics and defines the duties of and provides for the duties of tax assessors in their relation to this department.]

Referred to Committee on Agriculture.

By Senator Glasscock:

A bill to be entitled "An act to pro-

hibit all persons who are now, or may hereafter be, authorized to celebrate the rites of matrimony in this State from solemnizing the rites of matrimony between all persons prohibited to marry by the laws of this State, and to compel such persons who solemnize the rites of matrimony to endorse the same on the marriage license and make return of the same to the office of the county clerk in which such license issued within sixty days after the celebration of such rites of matrimony, and prescribing a penalty for violating the provisions of this act."

By Senator Harrison:

A bill to be entitled "An act to regulate the practice of dentistry in the State of Texas."

Referred to Committee on Public Health.

By Senator Simkins:

A bill to be entitled "An act to amend article 2838 of the Revised Statutes."

[The bill provides that Jewish rabbis be added to the list of those authorized to celebrate the rites of matrimony.]

Referred to Judiciary Committee No. 1.

By Senator Morris:

An act entitled "An act to amend article 4142, Revised Statutes."

[This bill provides that railroad corporations shall not use the funds thereof in the purchase of its own or the stock of other roads, and that for the violation of this article said corporation shall forfeit said stock to the State, one-half to go to the informer. It also forbids the loan of said stock to officials thereof, or to be employed in influencing members of the Legislature, and provides that for violating this section the corporation shall be fined one-thousand dollars, one-half of which shall go to the informer.]

Referred to Judiciary Committee No. 1.

"An act to be entitled an act to amend articles 587 and 589, of the Revised Statutes, regulating private corporations."

[This bill provides that at each annual meeting of stockholders and directors of such corporation, the officials shall make a full report of the business, and that in case the corporation employs its means for other than those purposes for which it was created, may be sued by any one or more of its members.]

Referred to Judiciary Committee
No. 1.

A bill to be entitled "An act to amend articles 4739, 4740 and 4741, title 95, chapter 4, of the Revised Statutes, regulating the collection of taxes."

[This bill provides that taxes shall be due and collected quarterly on the first days of July, October, January and April respectively; that the collector shall visit each magistrate's precinct on some day of which notice has been given, and that the tax may be paid at the county seat.]

Referred to Judiciary Committee
No. 1.

A bill to be entitled "An act to amend articles 4115 and 4118, title 84, chapter 3, Revised Statutes, regulating railroads."

[This bill provides that railroad and other corporations shall keep their offices within the State, said offices to have and keep a full account of all the business appertaining to said company, and that said office shall not be moved except with the consent of the district court.]

Referred to Judiciary Committee
No. 1.

By Senator Lane:

A bill to be entitled "An act to amend section 1 of an act entitled an act to protect mechanics, laborers and operators on railroads against the failures of owners, contractors and subcontractors or agents to pay their wages when due, and provide a lien for such wages, approved February 18, 1879, by adding section 2 thereto."

[This bill seeks to hold the railroad company on whose road such labor has been done primarily responsible for such wages, and that the contractor or agent need not be a party to actions brought under this provision; also that action may be brought in any county in or through which such railroad runs.]

Referred to Judiciary Committee
No. 1.

By Senator Woodward:

A bill to be entitled "An act prescribing the time of holding the district courts of the Twenty-third judicial district of the State of Texas."

[The bill provides that court shall be held in the several counties as follows:

Refugio, first Mondays in September and may continue two weeks.

Karnes, third Monday after first Monday in September, and may continue two weeks.

Goliad, seventh Monday after first Mondays in March and September, and may continue two weeks.

Victoria, ninth Monday after the first Mondays of March and September, and may continue three weeks.

Aransas, seventh Monday after the first Mondays in March and September, and may continue two weeks.

Calhoun, thirteenth Monday after the first Mondays in March and September, and may continue two weeks.

DeWitt, fifteenth Monday after the first Mondays in March and September, and may continue until the business is disposed of.

It provides that all writs and processes shall be returnable to the courts as herein designated.]

Referred to Committee on Judicial Districts.

By Senator Glasscock:

CONCURRENT RESOLUTION.

Be it Resolved, the House of Representatives therein concurring, That the President of the Senate and the Speaker of the House of Representatives appoint a committee, consisting of three from the Senate and six from House of Representatives, to inquire into, ascertain and report to the Senate and House of Representatives the amount of appropriation necessary to finish grading the capitol grounds and ornamenting the same with the necessary shrubbery and trees, and place a neat and substantial iron fence around said grounds, and report the amount of appropriation necessary to keep in proper repair the new capitol building.

Adopted.

Senator Claiborne moved that his resolution concerning the purchasing of additional land north of the capitol building be referred to the committee provided for in the foregoing resolution.

Adopted.

On motion of Senator Cranford, Senator Glasscock was added to the Committee on State Affairs.

On motion of Senator Burges, Senator Upshaw was excused until Monday, on account of important business.

Senator Armistead moved to reconsider the vote by which the Senate refused to concur in the House amendment to Senate bill No. 16, entitled

"An act making appropriations for deficiencies in the appropriations heretofore made for payment of expenses in support of the State government from March 1, A. D. 1887, to February 28, A. D. 1889, being for payment of claims registered in the Comptroller's office, in accordance with law, and for outstanding claims not registered, and other deficiencies."

Adopted.

Senator Armistead then withdrew the motion to non-concur,

On motion of Senator Kimbrough, By unanimous consent of the Senate,

The special order was suspended and

Senate bill No. 74, a bill to be entitled "An act to amend title 34, chapter 1 of the Revised Civil Statutes,"

Was laid before the Senate and read the second time.

Senator Kimbrough moved to amend by adding the following section:

"Section 2. The fact that the commissioners' courts of the several counties of the State will at the February term, 1889, re-arrange the voting precincts of the different counties for the ensuing year, creates an emergency which requires the suspension of the constitutional rule requiring bills to be read on three several days, and that this act take effect and be in force from and after its passage, and it is so enacted."

Adopted.

The bill as amended was ordered engrossed.

On motion of Senator Kimbrough, The constitutional rule requiring bills to be read on three several days was suspended, and

The bill was put on its third reading and final passage by the following vote:

YEAS—23.

Abercrombie,	Johnson,
Allen,	Kimbrough,
Armistead,	Lane,
Atlee,	Maetze,
Burges,	McDonald,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Field,	Simkins,
Frank,	Sims,
Glasscock,	Stephens,
Harrison,	Townsend,
Ingram,	Tyler,
Jarvis,	Woodward.

NAYS—None.

The bill was read the third time and Passed by the following vote:

YEAS—27.

Abercrombie,	Kimbrough,
Allen,	Lane,
Armistead,	Maetze,
Atlee,	McDonald,
Burney,	Morris,
Claiborne,	Pope,
Cranford,	Seale,
Field,	Simkins,
Frank,	Sims,
Glasscock,	Stephens,
Harrison,	Townsend,
Ingram,	Tyler,
Jarvis,	Woodward.
Johnson,	

NAYS—1.

Burges.

Senate bill No. 7, a bill to be entitled "An act to validate and quiet the title to lands sold by the State Land Board under the act of April 12, 1883,"

Being the first special order, was laid before the Senate with pending amendments.

Senator Seale moved to

Amend section 1 by striking out all that part of section 1 after the word "validated," in line 7, being the latter part of line 7 and all of line 8.

Senator Pope moved to recommit the bill.

Senator Burney proceeded to discuss the merits of the bill and

Senator Pope made the point of order that the Senator could not discuss the merits of a bill on a motion to recommit.

The point of order was sustained.

Senator Pope withdrew his motion to recommit, and

On motion of Senator Lane,

The bill and amendments were postponed and made the special order for Tuesday, after morning call.

Senate bill No. 18, a bill to be entitled "An act to require railroad companies in this State to provide separate coaches for white and colored passengers,"

Being the second special order, was laid before the Senate with Senator Armistead's pending amendment, viz.:

Amend by striking out section 7 of the bill giving conductors power of peace officers.

Senator Johnson moved to amend the amendment by striking out the words "of peace officers" in line 2 of section 7.

Accepted.

The amendment as amended was adopted.

Senator Glasscock moved to Amend section 2, line 3, by adding after the word African, in line 3, the following words: Or Mongolian.

Lost.

Senator Pope moved to amend by adding

Section — The term coaches does not apply to sleeping coaches or hotel cars.

Adopted.

Senator Stephens moved to

Amend section 7 by adding thereto the words "Provided, that the penalty provided for in this clause shall not apply where there is no separate coaches provided for different colors by railroad companies."

Adopted.

Senator Seale moved to

Amend section 6 by striking out the word "and" in line six and insert the word "nor."

Adopted.

Senator Johnson moved to

Amend section 5 by adding "Provided, that this act shall not be construed as including nurses and female attendants."

Senator Pope offered the following substitute for the amendment:

Amend by adding to

Section 5. Nothing in this act shall prevent conductors from allowing persons of different color who may be traveling together in the relation of master and servant, from riding in the same coach.

Lost.

Senator Johnson's amendment was adopted.

Senator Glasscock moved to

Amend section 7 by adding thereto "The fines collected under this act shall become a part of the road fund of the county in which the fine was assessed."

Adopted

Senator Lane moved to reconsider the vote just taken.

Lost.

Senator Townsend moved to

Amend section 5 by adding the following: "Provided, that railway companies shall have the right to regulate and control the travel on all other coaches in each of their said trains, except the two coaches, or double coach, as the case may be, provided for in this act."

Adopted.

The bill as amended was ordered engrossed.

The following message was received from the House:

HALL HOUSE OF REPRESENTATIVES,
AUSTIN, January 24, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR: I am directed to inform the Senate that the House has passed a concurrent resolution, which accompanies this message, providing for the appointment of a joint committee of the two houses, three from the Senate and five from the House, to visit and examine the condition, management and operation of the penitentiaries, the State farm in Fort Bend county, and the different plantations on which convicts are employed, etc.

W. M. IMBODEN,

Chief Clerk House of Representatives.

Be it resolved by the House of Representatives, the Senate concurring, That a joint committee, to be composed of three Senators and five Representatives, to be appointed by the presiding officers of each house, respectively, whose duty it shall be to visit and examine carefully the condition, management and operation of the penitentiaries, the State farm in Fort Bend county and the different plantations on which convicts are employed, and, as far as practicable, the camps of those in the employ of railroads, with a statement of the number of convicts now in the penitentiaries of the State, and the number hired out, the practicability of working all such convicts in prison walls, the additional penitentiary room necessary to do so, the best manner of constructing the same, and the probable cost thereof; and, in the event said committee find it impracticable to work all such convicts in prison walls, then to investigate and report the best and most practical manner of working all such convicts so as to prevent escapes and competition with the honest labor of the country, and make a report of the same to the Legislature, together with such suggestions and recommendations as they may deem fit and proper; the expense of said joint committee to be paid out of the contingent fund of the Twenty-first Legislature.

Adopted January 23, 1889.

W. M. IMBODEN,
Chief Clerk H. of R.

By Senator Lane, by leave:

COMMITTEE ROOM,
AUSTIN, January 23, 1889.

Hon. T. B. Wheeler, President of the Senate:

Your Committee on State Affairs, to whom was referred

Senate bill No. 104, entitled "An act to encourage the location and building of manufacturing establishments in the State of Texas,"

Have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

All of which is respectfully submitted.

LANE,

For Majority of Committee.

Bill read first time.

Senator Abercrombie gave notice of his intention to file a minority report.

On motion of Senator Frank, Senate bill No. 43, a bill to be entitled "An act to purchase State convict farms and improve the same, and work convicts thereon, and to make an appropriation therefor,"

Was made the special order for Saturday after morning call.

Senator Glasscock called up

Senate bill No. 9, a bill to be entitled "An act fixing a lien for owners of pastures or those in charge of pastures on such stock as are placed in their pastures by the respective owners or persons in charge of such stock, to secure the payment of pasture fees or charges."

With pending amendment by Senator Lane, as follows:

Strike out in line 1, "or those in charge," and insert "or lessees," and make same amendment in line 4.

The amendment was adopted.

Senator Field moved to

Amend by adding the following proviso: "Provided there is a contract between the parties as to the amount of pasturage to be charged."

Lost.

(Senator McDonald, President pro tem., in the chair.)

Senator Lane moved to

Amend by adding: "And such lien shall exist only for ten days after such stock are removed from such pasture."

Adopted.

Senator Burges moved to reconsider the vote by which Senator Field's amendment was lost.

(President in the chair.)

On motion of Senator Pope,

The Senate adjourned till ten o'clock to-morrow morning.

Lieutenant Governor Wheeler in the chair.

Roll called.

Quorum present.

Prayer by the Chaplain, Dr. Smoot.

On motion of Senator Townsend,

The reading of the Journal of yesterday was dispensed with.

Senator Johnson offered the following resolution:

Resolved, That one-half of the printed copy of Senate bill No. 94, be sent to the House of Representatives, to which the same belongs, and where, perhaps, the same is needed, and that the House be requested to forward to Senate such portion of said Senate bill No. 94, as may be in its possession. And that the Committee on Public Printing be requested to inquire into the manner and method of printing bills and to suggest, if possible, improvements therein.

Adopted.

The following message was received from the House.

HOUSE OF REPRESENTATIVES.

Twenty-first Legislature,

AUSTIN, January 25, 1889.

Hon. T. B. Wheeler, President of the Senate:

SIR—The House has passed Senate House bill No. 319, a bill to be entitled "An act for the relief of railway companies chartered since January 1, 1887, which have failed or may fail to comply with article 4278, Revised Statutes."

W. M. IMBODEN,

Chief Clerk of the House.

The President referred

Senate House bill No. 319 to the Committee on Internal Improvements.

Senator Kimbrough sent up the following appeal, and asked to have it printed in the Senate Journal, viz:

An appeal for the relief of Greer county:

To the Officers and Members of the Twenty-first Legislature:

We most respectfully ask you to hear and carefully consider this our appeal for relief.

We settled in Greer county, firmly believing that we had and would receive from the State titles to our lands. Carefully studying the land laws of the State relative to certificates and the location thereof, and especially the constitutional provision for homestead donation, some of us made location by virtue of veteran donation certificates, and others

SIXTEENTH DAY.

SENATE CHAMBER,

AUSTIN, January 25, 1889.

Senate met pursuant to adjournment.